



2. The EEOC's only expert was not disclosed to me until July 30, 2007, along with his expert report, which was only three (3) days before the ninety (90) day cut off period provided for by the Federal Rules of Civil Procedure.

3. Attached hereto as Exhibit 1 is a true and correct copy of Plaintiff-Intervenors' response to Leoplace's First Request for Production of Documents.

4. Until recently, I have been working cooperatively with counsel for Plaintiff-Intervenors to obtain their medical records. I drafted the HIPAA waivers executed by Plaintiff-Intervenors in February of 2007 and delivered them to their counsel. He then obtained Plaintiff-Intervenors' signatures in early March 2007, and sent them their therapists on March 5, 2007, with a copy to me. I was surprised when the Plaintiff-Intervenors did not produce their medical records at their March, 2007, depositions.

5. Plaintiff-Intervenors' March 16, 2007 response to Leoplace's First Request for Production of Documents did not object to producing the requested medical records, and it did not state that the medical records would not be produced. Instead, it said that Plaintiff-Intervenors were "still compiling other documents and will immediately provide those to defendant upon receipt." These "other documents" can only have referred to the medical records, since the "summaries" are addressed in the following paragraph of the response. Had I known on March 16, 2007 that Plaintiff-Intervenors did not intend to produce their medical records, or that they intended to obstruct my efforts to obtain those records directly from their Therapists, I would have filed an immediate motion to compel, after complying with the Court's "meet and confer" rules.

6. I was completely surprised when the Therapists ignored the subpoenas duces tecum issued by this Court. Again, I did not know, until after the scheduled July 24, 2007 document production deposition, that Plaintiff-Intervenors had revoked their HIPAA waivers. Counsel for

Plaintiff-Intervenors and I spoke several times before the Therapists' depositions about the subpoenas duces tecum. At no point did Counsel for Plaintiff-Intervenors state that the HIPAA waivers had been revoked or that the Therapists would refuse to produce their subpoenaed records.

Under penalty of perjury I declare that the foregoing is true and correct.

Executed this 22<sup>nd</sup> day of August, 2007 in Tamuning, Guam.



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**TIM ROBERTS**

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1 **TEKER TORRES & TEKER, P.C.**

2 SUITE 2A, 130 ASPINALL AVENUE

3 HAGATNA, GUAM 96910

4 TELEPHONE: (671) 477-9891-4

5 FACSIMILE: (671) 472-2601

6 Attorneys for Plaintiff-Intervenors,

7 **Jennifer Holbrook, Rosemarie**

8 **Taimanglo and Vivienne Villanueva**

9  
10 IN THE DISTRICT COURT OF GUAM

11 U.S. EQUAL EMPLOYMENT )  
12 OPPORTUNITY COMMISSION, )

13 Plaintiff, )

14 vs. )

15 LEO PALACE RESORT, )

16 Defendant. )

17 JENNIFER HOLBROOK, )  
18 VIVIENE VILLANUEVA and )  
19 ROSEMARIE TAIMANGLO, )

20 Plaintiff-Intervenors, )

21 vs. )

22 MDI GUAM CORPORATION dba LEO )  
23 PALACE RESORT MANENGGON HILLS )  
and DOES 1 through 10, )

Defendant. )

CIVIL CASE NO. 06-00028

PLAINTIFF-INTERVENORS'  
RESPONSES TO DEFENDANT'S  
FIRST REQUEST FOR  
PRODUCTION OF DOCUMENTS

RECEIVED  
MAR 16 2007  
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DOOLEY ROBERTS & FOWLER LLP

///

1 Plaintiff-Intervenors, JENNIFER HOLBROOK, ROSEMARIE TAIMANGLO and  
2 VIVIENE VILLANUEVA, by their attorneys of record, the Law Offices of Teker, Torres &  
3 Teker, P.C., responds and produces documents in accordance with Defendant Leo Palace  
4 Resort's First Request for the Production of Documents as follows:

5 **PRODUCTION OF DOCUMENTS**

6 **Response to Request for Production No. 1.:** Plaintiff-Intervenors have attached all  
7 documents in their possession and are still compiling other documents and will  
8 immediately provide those to  
9 Defendant upon receipt.

10 Plaintiff-Intervenors have previously provided the psychological report for Ms.  
11 Villanueva and expect to receive summary psychological reports for Ms. Holbrook and Ms.  
12 Taimanglo and will immediately produce them upon receipt.

13 **Response to Request for Production No. 2.:** Plaintiff-Intervenors have attached all  
14 documents for employment wages, other than their employment wages at the Leo Palace  
15 Resort that are in their possession. They continue to search for other relevant documents  
16 and, if found, will immediately provide those to Defendant.

17 **Response to Request for Production No. 3.:** Plaintiff-Intervenors are not in possession of  
18 any documents prepared by Mr. Perez.

19 *Respectfully submitted* this 16<sup>th</sup> day of March, 2007.

20 **TEKER, TORRES & TEKER, P.C.**

21 By:   
22

**PHILLIP TORRES, ESQ.**

Attorneys for Plaintiff-Intervenors,

**Jennifer Holbrook, Rosemarie**

**Taimanglo and Vivienne Villanueva**

TEKER, TORRES & TEKER, P.C.  
SUITE 2A, 130 ASPINALL AVENUE  
HACATUA, GUAM 96910  
TEL: (671) 477-9891-4